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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,329	05/02/2005	Martin P McCormick	1290US2	5368

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GRACO MINNESOTA INC
PO BOX 1441
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EXAMINER

MEHRABIAN, SEVAN

ART UNIT	PAPER NUMBER
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4124

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,329

Applicant(s)

MCCORMICK ET AL.

Examiner

Sevan Mehrabian

Art Unit

4124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All. b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/01/05 & 3/29/2007.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,097,764 to T.S. Loeser (Loeser) in view of US Patent No. 2,807,213 to S. Rosen (Rosen).

In Reference to Claim 1

Loeser teaches first and second reciprocating pumps (7,8 in Figure 1) attached to a motor (M in Figure 1) and being connected to source of a first and second materials (1,2 in Figure 1) and having outputs with first and second pressures (G in Figure 1). Loeser further discloses a controller (S, S' in Figure 1) with provision for a user-selectable set point, said controller continually comparing said first and second pressures and regulating the higher of said pressures to said set point. Loeser, however, fails to teach the following claim 1 limitation which is taught by Rosen: An electric motor 2 having first and second ends where the first pump is attached to said first motor end and second pump is attached to said second motor end.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the proportioning system taught by Loeser by using the motor disclosed by Rosen having two ends (rotating shaft at both ends, see Figure 1) for driving the pumps (using gear arrangement 14 of Loeser) at both ends of the motor to allow for a simpler controlling means of the gears (speed of pumps) by having two separate gears on each end of the shaft to communicate with the gears of each pump.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loeser in view of Rosen in further view of US Patent No. 6,190,565 to Bailey et al (Bailey).

In Reference to Claim 2

Claim 2 is an independent claim, however, its limitations are identical to claim 1, however, claim 2 further discloses a controller having an alarm that sounds if the pressure falls below a preset point. Loeser and Rosen teach the proportioner system according to claim 1 (see claim 1 rejection above), but fail to teach a controller with an alarm which alerts the user in the event one of pressures falls to a predetermined set-point. Bailey teaches this limitation: A controller providing an alarm in the event one of said pressures falls to a predetermined percentage of said set-point (Column 7, Line 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the proportioner system of claim 1 by further incorporating an alarm system as disclosed by Bailey to provide a warning system for the user when the pressure is too low.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sevan Mehrabian whose telephone number is (571) 270-5058. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Bomberg can be reached on (571) 272-4922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SM

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KENNETH BOMBERG
PRIMARY EXAMINER